
HOUSE BILL 2563

State of Washington

60th Legislature

2008 Regular Session

By Representatives Upthegrove and Lantz

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1 AN ACT Relating to service of process in domestic violence cases;
2 amending RCW 26.50.050 and 26.50.130; and adding a new section to
3 chapter 26.50 RCW.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 26.50 RCW
6 to read as follows:

7 Recent tragic events have demonstrated the need to find ways to
8 make legal protections for domestic violence victims more accessible.
9 On March 6, 2007, Rebecca Jane Griego, an employee of the University of
10 Washington, had obtained a temporary protection order against the man
11 who eventually shot her and then himself in a murder-suicide on April
12 2, 2007. However, because her stalker had evaded the police and
13 service of process, Ms. Griego had to return to court numerous times
14 and did not have the opportunity to have a hearing for a permanent
15 protection order. Under current procedures, which vary by local court
16 rule, if a process server fails to serve process after an unspecified
17 number of times, the process may be served by publication or by mail.
18 Establishing greater uniformity in the service of process of petitions

1 for orders for protection or modification of protection orders in
2 domestic violence cases may help to protect the safety of future
3 domestic violence victims.

4 **Sec. 2.** RCW 26.50.050 and 1995 c 246 s 6 are each amended to read
5 as follows:

6 Upon receipt of the petition, the court shall order a hearing which
7 shall be held not later than fourteen days from the date of the order.
8 The court may schedule a hearing by telephone pursuant to local court
9 rule, to reasonably accommodate a disability, or in exceptional
10 circumstances to protect a petitioner from further acts of domestic
11 violence. The court shall require assurances of the petitioner's
12 identity before conducting a telephonic hearing. Except as provided in
13 RCW 26.50.085 and 26.50.123, personal service shall be made upon the
14 respondent not less than five court days prior to the hearing. If
15 timely personal service cannot be made, the court shall set a new
16 hearing date and shall ~~((either))~~ require one additional attempt~~((s))~~
17 at obtaining personal service ~~((or))~~. If timely personal service still
18 cannot be made, the court shall permit service by publication as
19 provided in RCW 26.50.085 or service by mail as provided in RCW
20 26.50.123 unless the petitioner requests additional time to attempt
21 personal service. If the court permits service by publication or by
22 mail, the court shall set the new hearing date not later than twenty-
23 four days from the date of the order. The court may issue an ex parte
24 order for protection pending the hearing as provided in RCW 26.50.070,
25 26.50.085, and 26.50.123.

26 **Sec. 3.** RCW 26.50.130 and 1984 c 263 s 14 are each amended to read
27 as follows:

28 (1) Upon application with notice to all parties and after a
29 hearing, the court may modify the terms of an existing order for
30 protection.

31 (2) Except as provided in RCW 26.50.085 and 26.50.123, personal
32 service shall be made upon the nonmoving party not less than five court
33 days prior to the hearing to modify.

34 (a) If timely personal service cannot be made, the court shall set
35 a new hearing date and shall require one additional attempt at
36 obtaining personal service.

1 (b) If timely personal service still cannot be made, the court
2 shall permit service by publication as provided in RCW 26.50.085 or
3 service by mail as provided in RCW 26.50.123 unless the moving party
4 requests additional time to attempt personal service.

5 (c) If the court permits service by publication or by mail, the
6 court shall set the hearing date not later than twenty-four days from
7 the date of the order permitting service by publication or by mail.

8 (3) In any situation where an order is terminated or modified
9 before its expiration date, the clerk of the court shall forward on or
10 before the next judicial day a true copy of the modified order or the
11 termination order to the appropriate law enforcement agency specified
12 in the modified or termination order. Upon receipt of the order, the
13 law enforcement agency shall promptly enter it in the law enforcement
14 information system.

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